XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक MA(C) 868 सन् 200 7

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

APPELLANTS:
CLAIMANTS

1. Fulkunwar, W/o Chainu @ Chungu, Aged about 40 years.
2. Chainu @ Chungu, S/o Late Shambhu Ram Gond, Aged about 45 years.

Both are the residents of Village Siyadehi, Post – Arroda, Tahsil & District Dhamtari (C.G.).

-Versus-

RESPONDENTS:

1. Gopi Ram, S/o Narad Gond, Aged about 20 years, R/o Village Siyadehi, Post – Arroda, Tahsil & District Dhamtari (C.G.).
2. J.R. Banjor, S/o Dulrava Banjor, Aged about 60 years, R/o Village Harftarai, Tahsil & District Dhamtari (C.G.)
3. The Oriental Insurance Co. Ltd., Near Adarsh Bal Mandir Balak Chowk, Tahsil & District Dhamtari.

(Appeal under Section 173 of the M.V. Act, 1988)

D.B.: - Hon'ble Shri L.C. Bhadoo &
Hon'ble Shri Sunil Kumar Sinha, JJ.

30-7-2007:-

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Shri Vivek Rathore, counsel for the appellants.

Shri Abhishek Sinha, Advocate, is directed to take notice on behalf of respondent No.3.

Copy of memo of appeal is served on counsel for respondent No.3.

As the appeal is being disposed of at the admission stage itself being small point involved in the matter, however, if the appeal is preferred by the Insurance Company on other ground, this order shall not come in the way for final adjudication of that appeal on its own merit.

Oral order dictated on *Dais*.

L.C. Bhadoo, J.

The appellants who are mother and father of deceased namely, Loreek Ram have preferred this appeal under Section 173 of the M.V. Act, being aggrieved by the award dated 7-5-2007 passed by the Additional Motor Accidents Claims Tribunal, Dhamtari, in claim case No.130/06 whereby learned Tribunal has awarded compensation to the tune of Rs.1,83,000/- with interest.

This appeal has been filed for enhancement of the said compensation amount on the ground that multiplier has wrongly been applied as also income of deceased Loreek Ram has been assessed on the lower side.

Having heard learned counsel for the parties, we have perused the award. In paras-21 and 22 of the award, Tribunal has come to the conclusion that the deceased was earning about Rs.1500/- per month. His income has been assessed at Rs.1500/- per month since the deceased was working as Kooli on the tractor. Normally labour hardly

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Barve	gets working about 20-25 days in a month and the said working is not regular, therefore, the Tribunal has rightly assessed Rs.1500/- per month as income of the deceased, 1/3rd has been deducted as personal expenses and dependency has been assessed at Rs.1,000/- per month, therefore, we are of the considered opinion that assessment of income of the deceased and dependency by the Tribunal is not perverse in any way. Coming to the question of multiplier, it is admitted position that at the time of filing of the claim petition the age of the mother (claimant) was 40 years and age of the father (claimant) was 45 years, multiplier of 14 has been applied by the Tribunal whereas as per the second Schedule attached with MV Act for age group in between 40-45 multiplier of 15 applies, therefore, we are of the considered opinion that the claimants are entitled for enhancement to that extent. The claimants are entitled for Rs.1,95,000/- instead of Rs.1,83,000/-. Accordingly, the appeal is allowed to that extent. Compensation amount is enhanced by Rs.12,000/-on the award of Rs.1,83,000/- already awarded i.e. claimants are entitled for Rs.1,95,000/-. They shall also be entitled for interest @ 6% per annum on the said amount w.e.f. 12-5-2005. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge**